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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 has been revised. Support for the revisions can be found in, e.g., Figs. 1, 2 and 4, and page 8, lines 6-27, page 11, lines 23-27, and page 12, line 22 to page 13, line 6 of the specification, among other places. Claim 8 has been revised to be consistent with claim 1. Claims 1 and 3-8 remain pending in the application.

Claim Rejections – 35 USC § 112

Claims 1 and 3-8 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection. Page 10, lines 15-16 of the specification provides that “the sectional area of the capillary at the downstream edge 13a is made smaller than other portions” (see also Figs. 2-4). That is, the capillary sectional area above the stepped portion 18B of the insulating film 18 is smaller than the other portions of the capillary (see Figs. 2-4 of the present application). Applicants respectfully submit that the feature of “the stepped portion is greater in height with respect to the substrate than the reagent portion” in claim 1 is supported by the original disclosure and the rejection should be withdrawn.

Claim Rejections – 35 USC § 102

Claims 1, 3 and 4 are rejected under 35 USC § 102(b) as being anticipated by WO 02/05776 (Watanabe et al. (US 7,267,750) is an English language equivalent of WO 02/05776). Applicants respectfully traverse this rejection.

Claim 1 requires a cover that is formed with an air vent hole for discharging air from a capillary when a sample liquid moves in the capillary. Claim 1 also requires a stepped portion that is greater in height with respect to a substrate than a reagent portion, where the stepped portion is located at a position corresponding to an edge portion of the air vent hole for preventing the sample liquid in the capillary from moving beyond the edge portion to flow out through the air vent hole.

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The present stepped portion helps prevent the sample liquid from moving further so that the sample liquid can be analyzed properly (see, e.g., page 4, lines 3-14 and 19-21 of the specification, among other places).

Watanabe et al. fail to disclose a cover that is formed with an air vent hole for discharging air from a capillary when a sample liquid moves in the capillary. In fact, Watanabe et al. merely discuss an air vent 12 that is located at an end of a capillary, rather than formed in a cover of an analytical tool as required by claim 1 (see Watanabe et al., Figs. 2 and 4 and col. 5, lines 44-45). Nor do Watanabe et al. disclose the positioning of a stepped portion relative to an edge portion of the air vent, as required by claim 1. That is, Watanabe et al. fail to disclose a stepped portion that is located at a position corresponding to an edge portion of an air vent hole for preventing a sample liquid in a capillary from moving beyond the edge portion to flow out through the air vent hole, as required by claim 1.

For at least these reasons, claim 1 is patentable over Watanabe et al. Claims 3 and 4 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim Rejections – 35 USC § 103

Claims 5-8 are rejected under 35 USC 103(a) as being unpatentable over Watanabe et al. in view of Ikeda et al. (US 5,582,697). Applicants respectfully traverse this rejection.

Claims 5-8 depend ultimately from claim 1 and are patentable over Watanabe et al. for at least the same reasons discussed above regarding claims 1, 3 and 4. Ikeda et al. do not remedy the deficiencies of Watanabe et al. for the following reasons.

Ikeda et al. fail to teach or suggest a stepped portion that is located at a position corresponding to an edge portion of the air vent hole for preventing a sample liquid in a capillary from moving beyond the edge portion to flow out through the air vent hole, as required by claim 1. In fact, Ikeda et al. merely discuss a substrate 1, a cover 9 and a spacer 10 sandwiched between the substrate 1 and the cover 9, where a space is defined

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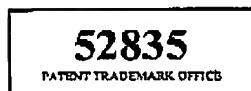
by the substrate 1, the cover 9 and the spacer 10 (see Ikeda et al., Fig. 1, and col. 9, lines 30-42). Ikeda et al. also discuss a sample supply port 11 and an air port 12 communicating with the space (see Ikeda et al., Fig. 1 and col. 9, lines 40-46). Ikeda et al. is completely silent as to a stepped portion required by claim 1, much less the positioning of the stepped portion relative to an edge portion of an air vent hole as required by claim 1.

For at least these reasons, claim 1 is patentable over Watanabe et al. in view of Ikeda et al. Claims 5-8 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

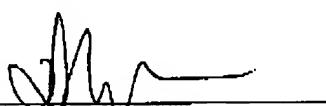
Respectfully submitted,

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